

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION**

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**MDL No. 2323  
12-md-2323**

**APPLICATION OF ANTHONY G. BUZBEE FOR APPOINTMENT TO  
THE PLAINTIFFS' STEERING COMMITTEE**

Pursuant to Case Management Order No. 1 (ECF No. 4), Anthony G. Buzbee, of the Buzbee Law Firm, respectfully submits and files this application for membership to the Plaintiffs' Steering Committee ("PSC") for this proceeding and in support would show as follows:

1. I represent several former NFL players who are suffering from concussion-related injuries incurred during their time playing in the NFL.

2. I understand that I am filing this application after the Court imposed deadline of April 4, 2012, as set forth in Case Management Order No. 1. To date, the two cases my firm has filed in this litigation were not transferred to this Court until March 14 and March 29, 2012, after the Court entered Case Management Order No. 1. Further, while our cases were added to this Court's docket upon transfer, apparently, my firm was not added to the list of parties to receive electronic notices and orders from the Court until April 19, 2012. As such, neither I nor anyone at my firm was aware of the April 4, 2012 deadline until yesterday. I have read, understand, and agree to the PSC's responsibilities as set forth in Case Management Order No. 1. It would be an honor for me to be selected by the Court to serve.

3. I stand ready, willing, and able to commit all time and resources (personally and by my law firm) necessary to represent all plaintiffs in this litigation. My firm is financially capable of meaningfully assisting in the financing of this litigation and is committed to this important litigation.

4. I respectfully submit that I and my firm have the knowledge, experience, and education necessary for membership in the PSC in this MDL.

a. I attended Texas A&M University on a NROTC scholarship. At Texas A&M, I was a Distinguished Naval Graduate Student, and was recognized as the Outstanding Commander in the Corps of Cadets. Following graduation, I entered the United States Marine Corps, in which I was recognized during my initial training as an Honor Graduate; receiving the highest leadership score out of more than 200 other Marine Lieutenants. I continued my service as a Marine Corps infantry officer; serving in the Persian Gulf and Somali conflicts, where I commanded various Marine infantry and special operation units. I also commanded the elite Recon Company of the historic First Marine Regiment. While a Special Forces Recon officer, I

received various awards, including top leadership awards from the rigorous Navy Dive School in Hawaii, and the Amphibious Reconnaissance Course in California. Ultimately, I earned the rank of Captain, and was awarded the prestigious Navy Commendation Medal.

b. Upon the completion of my service in the Marines, I entered law school at the University of Houston Law Center, where I served as the Managing Editor of the *Houston Law Review*, was elected Class Captain, and was a member of the Order of the Coif, Order of the Barristers, and Order of the Barons. Among other awards, I received the Stephen S. Rudolph scholarship, the *Corpus Juris Secundum* Award, the Porter & Hedges Writing Award, and the Andrew & Kurth Award. I graduated *Summa Cum Laude*, finishing second in my class.

c. Subsequent to law school, I served as a briefing attorney for the Southern District of Texas, Galveston Division, followed by Susman Godfrey, LLP in Houston. In 2001, I started my own firm, headquartered on the 73<sup>rd</sup> floor of the JP Morgan Chase Tower in downtown Houston. Currently, the Buzbee Law Firm has fourteen (14) attorneys and a well-trained, capable support staff.

d. I have been named over the years to various “Best Lawyers” lists. In this regard, in 2002, at the age of 34, I was named by my peers in the Texas Lawyer as one of the five “Go To” lawyers in the State of Texas for Plaintiff’s Commercial Litigation. I have been sought out and have spoken repeatedly at CLE’s regarding jury selection, trial practice, and other topics pertinent to trial lawyers, and have published various articles pertaining to trial practice. I am also routinely hired by other firms to simply try cases or take key depositions.

e. In addition to my legal activities, I currently serve on the Board of Director of Hometown Back and Jesse Tree (a nonprofit organization that assists the homeless and those in need in Galveston and Brazoria Counties). I am also President of Buzbee Properties, Inc., a property development company that has been recognized for its efforts to revitalize historic downtown Friendswood. I was appointed by the Governor and served on the Board of Visitors of Texas A&M Galveston. I have also served as Director of the Houston Law Alumni Foundation and as Chairman of the Galveston County Democratic Party.

f. Currently, I am teaching a course on Litigating Contract Disputes at the University of Houston Law Center with Professor Steve Zamora.

5. I have significant experience in mass tort and MDL matters.

a. I currently serve as Plaintiffs’ Liason Counsel and on the Plaintiffs’ Steering Committee in the MDL No. 10-UC-0001, *In re Texas City Refinery Ultracracker Emissions Event Litigation*, in which my firm represents over 20,000 clients. Judge Lonnie Cox may attest to my service and dedication as a member of the Steering Committee.

b. I currently serve on the Plaintiffs’ Steering Committee in the MDL No. 1873, *In re FEMA Formaldehyde Trailer Litigation*. I tried two trials in that MDL, including the first bellwether trial.

Judge Kurt Engelhardt, Eastern District of Louisiana, may attest to my service on that MDL and my abilities as a courtroom lawyer.

c. I serve on the Plaintiffs' Steering Committee for litigation involving Hurricane Ike insurance claims before Judge Susan Criss in Galveston. I was appointed class counsel on the slab portion of the litigation, in which I was asked by my peers to take the lead role in the key depositions and mediation presentation. My efforts in this litigation led to a \$189 million settlement for policy holders.

d. I served on the Plaintiffs' Steering Committee for litigation against BP pertaining to the 2005 ISOM explosion at Texas City, where I represented over 160 plaintiffs. I, along with the two other attorneys, took the deposition of John Manzoni, the second in command at BP. Our efforts lead to a very favorable settlement for thousands of other plaintiffs.

e. Following the collapse of drilling rig Parker 14J off the coast of Louisiana in early 2002, I represented seven injured workers in limitation proceedings on file in Federal Court. In addition, I headed all discovery and depositions and was appointed lead trial counsel. Settlement in this case was favorable to workers but confidential.

f. In 2003, a vessel collision in the Houston Ship Channel injured multiple workers; killing one. During litigation, my firm took the lead in depositions and other discovery efforts; ultimately trying and winning the limitation proceedings, which allowed the clients' claims to be tried in state court.

g. In 2001, I served as lead counsel in a ground breaking antitrust , wage-fixing, class action, representing thousands of offshore workers who claimed that the offshore drilling industry had conspired to suppress wages. I personally took every deposition and reviewed every document in that case. I negotiated a \$75 million class settlement, which was approved by the U.S. District Court.

h. I am lead counsel in a limitation proceeding for more than 10, 000 individuals exposed to Hydrogen Sulfide as a result of a vessel collision in the Port Arthur Ship Channel.

i. I served as lead counsel for a class of maritime workers bringing claims Against their employer relating to asbestos exposure. I negotiated a class-wide settlement for the class, which approved by the U.S. District Court.

j. I served as lead counsel on a multi-party case brought on behalf of payphone operators against Southwestern Bell, worked cooperatively with the other attorneys involved, and resolved that case on favorable basis.

k. I served as lead counsel for Spain's Basque government, and several cities in Spain, in claims brought against a marine classification society relating to sinking of the oil tanker Prestige, which resulted in the largest oil spill in Spanish history. A portion of the case settled for \$70 million.

6. I have significant trial experience. I have multiple multi-million dollar verdicts.

a. In December, 2009, as lead counsel for all other involved attorneys, I obtained a \$100.3 million dollar jury verdict in Federal Court for ten bellwether plaintiffs against BP in a case involving two chemical releases in 2007 at the BP Texas City. This is the largest verdict ever awarded against BP. My firm's efforts led to the settling of the remaining 150 cases.

b. I have obtained the highest recorded bench and jury verdicts in the Galveston Division of the Southern District of Texas. I have been hired by other attorneys in the Galveston Division of the Southern District of Texas.

7. Accordingly, I respect request that the Court appoint me to the PSC for this MDL. I will work cooperatively with all counsel and this Court. It would be an honor to serve.

Dated: April 20, 2012.

Respectfully submitted,

**THE BUZBEE LAW FIRM**

By: /s/ Anthony G. Buzbee  
Anthony G. Buzbee  
State Bar No. 24001820  
JP Morgan Chase Tower  
600 Travis, Ste 7300  
Houston, Texas 77002  
Tel: 713.223.5393  
Fax: 713.223.5909  
[www.txattorneys.com](http://www.txattorneys.com)

**Anthony G. Buzbee**

Managing Partner  
The Buzbee Law Firm  
JP Morgan Chase Tower  
600 Travis, Suite 7300  
(713)-223-5393

E-mail: [tbuzbee@txattorneys.com](mailto:tbuzbee@txattorneys.com)

Web Site: [www.txattorneys.com](http://www.txattorneys.com)

**Education**

*University of Houston Law Center (J.D., 1997)*

- *Summa Cum Laude* (#2 out of 357)
- Managing Editor, *Houston Law Review*
- Class Captain (elected by classmates)
- Order of the Coif
- Order of the Barristers
- Order of the Barons
- Stephen S. Rudolph Scholarship (ranked first in section)
- Corpus Juris Secundum Award
- Porter & Hedges Writing Award
- Maurice Howard Treiman Writing Award
- Phi Delta Phi Ethics Writing Award
- Andrews & Kurth Award

*Texas A&M University (1990, B.S., Psychology)*

- Battalion Commander in the Corps of Cadets
- Distinguished Naval Graduate
- Named Distinguished Student
- Outstanding NROTC Senior
- Outstanding Commander in the Corps of Cadets

**Military Service**

*United States Marine Corps (1990-1994)*

- Captain; Infantry/Recon
- Honor Graduate; No. 1 leadership score out of 217 Lieutenants
- Infantry Officer; Persian Gulf and Somalian conflicts, and commanded various Marine infantry units
- Special Forces officer; Recon Company of the First Marine Regiment; Honor Graduate: Navy Dive School; Honor Graduate: Amphibious Reconnaissance Course
- Navy Commendation Medal

**Awards/Recognition**

- *Texas Lawyer, Go-To Lawyer*: Voted by peers as top five lawyer in Texas for plaintiff's commercial litigation" (2002)
- *Texas Monthly*, "Super Lawyer" (2004-2011)
- *H-Texas Magazine*, "Best of Houston"
- *H-Texas Magazine*, "Lawyer on the Fast Track"

## **PUBLICATIONS**

- *When Arbitrable Claims Are Mixed with Nonarbitrable Claims, What's a Court to Do?*, Law Review, South Texas College of Law
- *Who Will Speak for the Teachers?*, Houston Law Review
- *Venue Transfer in Federal Court*, Houston Lawyer
- Featured in the book *"Texas Justice Tall Tales,"* Red Bandana Publishing
- Author: *Defining Moments*, forthcoming.

## **Teaching/Guest Lecturer**

- University of Houston Law Center, Adjunct Professor, *Litigating Commercial Disputes*
- University of Houston Law Center, Guest Lecturer, *Arbitration*
- University of Houston Law Center, Guest Lecturer, *Contracts*
- Guest Speaker, *Vessel Casualties and Oil Spills: Who Has the Liability?*  
(Presented to the Lawyers Association of Cuba)

## **Civic / Political**

- Member, Board of Directors, Hometown Bank, S.A.
- Board member, The Jesse Tree, a nonprofit organization that assists the homeless and others in need.
- Board member, Boy Scouts of America, Bay Area Council
- Past member, Board of Visitors, Texas A&M University, Galveston
- Past Director, Houston Law Alumni Foundation
- Past Chairman, Galveston County Democratic Party

## **Career Highlights**

- Briefing Attorney, United States District Court.
- Associate Attorney, Susman Godfrey, L.L.P.
- Owner/Manager, The Buzbee Law Firm
  - Have handled multiple cases against Valero, and in refinery injury litigation alone, have collected more than \$400 million since 2005 for injured refinery workers.
  - Plaintiff's Steering Committee: BP Refinery Explosion. Appointed by the Court to lead the case arising out of the largest industrial accident in the United States in the past fifty years. Negotiated settlement agreements for firm clients in excess of \$300 million.
  - Lead counsel, and Plaintiff's Steering Committee: Representing more than 40,000 individuals who were placed in trailers by FEMA following Hurricane Katrina. Featured in a documentary about the FEMA toxic trailers.
  - Deepwater Horizon Oil Spill: Representing more than 10,000 clients affected by the spill; Featured in the multi-part series on PBS, *The Spill*; featured on the cover of the *New York Times Magazine*.
  - Plaintiff's Steering Committee: BP Benzene Litigation. Representing more than 30,000 individuals exposed to Benzene and other volatile organic compounds as a result of a 40-day release at BP's plant in Texas City, Texas

- Lead counsel in first of its kind antitrust case brought on behalf of pay phone service providers; case settled for a confidential amount.
- First of its kind jury verdict against Ford Motor Company resulting from a rollover. Jury awarded \$16.6 million after a two and a half week trial.
- Represented family whose special needs daughter allegedly was sexually assaulted at school. The school district denied the allegations, and no one was ever arrested. In 2005, less than a year after the alleged incident, a favorable settlement was placed in trust for the child. The school district also changed and updated its policies pertaining to the investigation, prevention, and detection of sexual abuse.
- Represented the Basque Government in 2004 in the largest oil spill litigation since the Exxon Valdez. The Basque Government settled a portion of its claim for more than \$70 million; the remaining litigation arising out of the oil spill continues in New York federal court.
- Defended a small start-up company in 2004 in litigation brought by company owned by former Enron CEO Ken Lay. The Lay-owned company alleged that Mr. Buzbee's clients had stolen trade secrets that allowed them to develop a formula that would substantially improve the performance of diesel engines. After losing an injunction hearing, the plaintiff ultimately paid Mr. Buzbee's clients to settle the case.
- Caused in 2003 the national recall and retrofit of a defective closing mechanism on foreign-made dry laundry machines, and reached a settlement of more than \$5 million for a Texas laundry owner severely burned by a leak of pressurized dry cleaning fluid.
- Forced through Texas federal court litigation an offshore company to immediately remove all asbestos from its vessels, preventing injury to thousands of workers. The case settled confidentially in 2003.
- Won a \$6 million jury verdict in federal court against a national offshore piping manufacturer. Caused the manufacturer to alter the way in which it markets its product, resulting in a significant improvement in drilling pipe safety.
- Represented and obtained a civil settlement in 2002 for the stepdaughter of Clara Harris, a Houston-area dentist convicted of murdering her allegedly adulterous husband with her Mercedes. Case was featured extensively in the national news.
- Represented in Houston federal court thousands of offshore workers in an unprecedented wage-fixing, antitrust class action case against 15 groups of companies, defended by more than 100 defense lawyers. The case settled for \$75 million and ended wage fixing in the offshore drilling industry.
- Tried more than forty cases to verdict—lost five.
- Obtained the highest bench verdict, and the largest jury verdict (\$100 million) in history of the Galveston Division of the Southern District of Texas.
- Collected more than \$1 billion dollars for clients in less than ten years.

### **Publications**

- *When Arbitrable Claims Are Mixed with Nonarbitrable Claims, What's a Court to Do?* Law Review, South Texas College of Law
- *Who Will Speak for the Teachers?* Houston Law Review
- *Venue Transfer in Federal Court*, Houston Lawyer
- “Appearing on Behalf of Galveston County,” in the book *Texas Justice Tall Tales* (Red Bandana Publishing, 2004)

### **Past Employment Positions**

- Susman Godfrey LLP, Attorney (1998-1999)
- Southern District of Texas, Briefing Attorney (1997-1998)
- United States Marine Corps, Captain (1990-1994)

### **Personal**

- Buzbee has been married for more than 15 years, and is the father of four children